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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 8449-322-999 Total Pages 63

First Named Inventor or Application Identifier

Kensil

Express Mail Label No. EV 335 857 154 US

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Address to:

Commissioner for Patents

P.O. Box 1450

Mail Stop PATENT APPLICATION

Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 30]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 7]
5. ☒ Oath or Declaration [Total Sheets 3]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Revocation and Power of Attorney (copy from prior application no. 09/143,145)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS References
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☒ Other: a copy of United States Patent and Trademark Office Notice of Recordation dated February 1, 2002, a copy of the Certificate of Merger of Aquila Biopharmaceuticals, Inc. into Antigenics, Inc., a copy of the Articles of Merger of the Commonwealth of Massachusetts, a copy of United States Patent and Trademark Office Notice of Recordation dated March 1, 2001, and a copy of the Assignment from the inventors to Aquila Biopharmaceuticals, Inc.

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application no. 09/143,145, filed August 28, 1998, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/057,255 filed August 29, 1997

Prior application information:

Examiner: D. Saunders

Group Art Unit: 1644

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number

20583

or ☐ Correspondence address below

NAME

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPrior application: Examiner D. SaundersArt Unit 1644

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/143,145, filed August 28, 1998

of Kensil and Beltz

(inventor(s) currently of record in prior application)

for NOVEL COMPOSITIONS OF SAPONIN ADJUVANTS AND EXCIPIENTS

(title of invention)

1. ☒ The filing fee is calculated below, in view of the Preliminary Amendment submitted herewith:

PATENT APPLICATION FEE VALUE

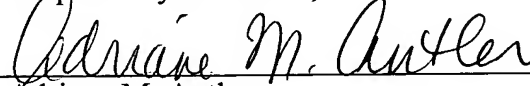
TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	20	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$86.00 each	\$ 0.00
Minimum Fee					\$ 770.00
Multiple Dependency Fee					
If Applicable (\$280.00)					\$ 0.00
Total					\$ 770.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$
Total Filing Fee					\$ 0.00

2. ☐ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.
- 3a. ☐ New formal drawings are enclosed.
- 3b. ☒ Informal drawings are enclosed.
- 4a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 4b. ☐ The certified copy has been filed in prior application no. , filed .

5. ☒ The prior application is assigned of record to Antigenics, Inc. An assignment from the inventors to Aquila Biopharmaceuticals, Inc. was recorded at Reel 011349, Frame 0349 on December 5, 2000. A copy of the Certificate of Merger of Aquila Biopharmaceuticals, Inc. into Antigenics, Inc. and a copy of the Articles of Merger of the Commonwealth of Massachusetts were recorded at Reel 012353, Frame 0235 on November 8, 2001.
- 6a. ☒ A copy of each of the Power of Attorney and Revocation and Power of Attorney filed in the prior application no. 09/143,145, filed August 28, 1998 is enclosed.
- 6b. ☐ A Power of Attorney is enclosed.
7. ☐ This application contains nucleic acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825.
8. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
9. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
10. ☒ Additional enclosures or instruction Also enclosed are a Preliminary Amendment Under 37 C.F.R. § 1.121, an Information Disclosure Statement, a List of References Cited by Applicant, a copy of United States Patent and Trademark Office Notice of Recordation dated February 1, 2002, a copy of the Certificate of Merger of Aquila Biopharmaceuticals, Inc. into Antigenics, Inc., a copy of the Articles of Merger of the Commonwealth of Massachusetts, a copy of United States Patent and Trademark Office Notice of Recordation dated March 1, 2001, and a copy of the Assignment from the inventors to Aquila Biopharmaceuticals, Inc.

Date: October 3, 2003

Respectfully submitted,



Adriane M. Antler

32,605
(Reg. No.)

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